

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARIA NERISA CARINGAL MAGBOJOS,

Plaintiff,

v.

GRANDISON MANAGEMENT, INC.,
RUSSELL NERSESOV, D.C. d/b/a SPINE
CARE CLUB, REHAB SYNERGY PT, P.C.,
and BASILIO E. LOPEZ,

Defendants.

Civil Action No. 18-cv-3520 ARR-JO

**STIPULATION AND CONSENT
ORDER TO STAY PROCEEDINGS
PENDING ARBITRATION**

The plaintiff, Maria Nerisa Caringal Magbojos (“Ms. Magbojos”), the defendant Grandison Management, Inc. (“Grandison”) and the defendants Rehab Synergy PT, P.C., and Basilio Lopez (the “Rehab Synergy Defendants”) hereby stipulate and agree that for the following reasons, pursuant to Federal Rules of Civil Procedure 12(b)(1) and Section 3 of the Federal Arbitration Act, 9 U.S.C. § 3, this matter shall be stayed pending arbitration of the claims asserted by Ms. Magbojos against Grandison:

1. Ms. Magbojos and Grandison are parties to an employment agreement. Section 21 of the Agreement provides that

any dispute, controversy or claim arises between the parties (including a dispute, controversy or claim arising out of, in connection with or relating to, this Agreement, or the interpretation, performance or breach, termination or validity hereof) ... shall be finally settled by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules in effect at the time of the dispute, by one arbitrator appointed in accordance with such rules.

2. On or about August 4, 2018, Grandison commenced an arbitration proceeding against Ms. Magbojos for breach of the employment agreement, and included in the demand for arbitration a demand that the claims asserted against Grandison in this matter be resolved in arbitration. That matter is pending before the American Arbitration Association and bears the designation AAA Case No. 01-18-0003-082.

3. Ms. Magbojos and Grandison have agreed that the matter should proceed before the American Arbitration Association, subject to the provisions of the Federal Arbitration Act and relevant case law. While the Rehab Synergy Defendants are not parties to the arbitration agreement and will not participate in the arbitration, Ms. Magbojos' claims against the Rehab Synergy Defendants are interrelated to her claims against Grandison, and both Ms. Magbojos and the Rehab Synergy Defendants agree that the entire case should be stayed pending the arbitration between Ms. Magbojos and Grandison.

Therefore, all parties jointly request that this court stay this action pending arbitration.

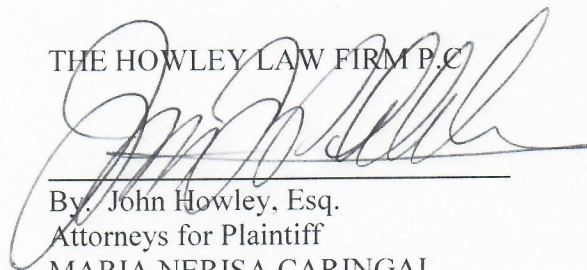
Dated: New York, New York
November 27, 2018

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The foregoing stipulation is hereby approved by ORDER of the Court this ____ day of

_____, 2018

J.